

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Fair Debt Collection Practices Act

Rivkah Goldberg,

Plaintiff,

vs.

NCO Financial Systems, Inc.,
a Pennsylvania corporation,

Defendant.

Court File Number:

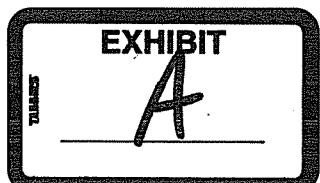
SUMMONS

THIS SUMMONS IS DIRECTED TO: NCO Financial Systems, Inc. 507 Prudential Road, Horsham, Pennsylvania 19044.

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number of this Summons.
2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a written response called Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at:

Mitchell R. Hadler
Attorney at Law
701 Fourth Avenue South #500
Minneapolis, Minnesota 55415-1631

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint you must say so in your Answer.



4. **YOU WILL LOST YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.
5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.
6. **ALTERNATIVE LEGAL DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

The object of this action is money damages.

Dated:

Plaintiff's Attorney's Signature

Mitchell R. Hadler Atty. ID#39172
Attorney for Plaintiff Rivkah Goldberg
701 Fourth Avenue South #500
Minneapolis, Minnesota 55415-1631
Telephone: (612) 414-7361 and (651) 222-4260

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

4TH JUDICIAL DISTRICT

Type of Case: Fair Debt Collection Practices

Act

Rikvah Goldberg,

Plaintiff,

vs.

NCO Financial Systems, Inc.,
a Pennsylvania corporation,

Defendant.

Court File Number:

COMPLAINT

INTRODUCTION

1. This action is brought by a consumer debtor against a debt collector for violations of the Fair Debt Collection Practices Act of 1977, 15 U.S.C. §§ 1692 *et seq.* (hereinafter “FDCPA”).
2. Plaintiff Rikvah Goldberg, for her Complaint against Defendant NCO Financial Systems, Inc., states and alleges as follows:

JURISDICTION AND VENUE

3. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.
4. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.
5. Venue is proper in this court based on the fact that the acts complained of, including improper and prohibited communications by the Defendant, were directed to the Plaintiff/Debtor and therefore committed against the Plaintiff/Debtor in Hennepin County, the State of Minnesota.

6. The standards of the FDCPA are adopted by Minnesota at Minn. Stats. § 332.37(12).

PARTIES

PLAINTIFF

7. Plaintiff Rikvah Goldberg (hereinafter "Plaintiff") is a natural person and at all times relevant hereto resided in the City of Hopkins, County of Hennepin, State of Minnesota and as "a natural person obligated or allegedly to pay any debt" was a "consumer" as that term is defined by § 1692a(3) of the FDCPA or a person with standing in this action under § 1692k(a) of the FDCPA.
8. The debt allegedly owed by Plaintiff - \$10,265.42 (as of April 7, 2011) – to CITIBANK (South Dakota) regarding a CIT ADVANTAGE WORLD credit card – as "any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment" is a "debt" as that term is defined by § 1692a(5) of the FDCPA.

DEFENDANT

9. At all times relevant hereto Defendant NCO Financial Systems, Inc. (hereinafter "Defendant") was a debt collector operating from an address of 507 Prudential Road, Horsham, Pennsylvania 19044.
10. Defendant is a "debt collector" as defined by § 1692a(6) of the FDCPA.
11. Defendant has a registered agent in Minnesota for the service of process – C T Corporation System, Inc., 100 South Fifth Street #1075, Minneapolis, Minnesota 55402.

12. Defendant's 35 licenses from the Minnesota Commerce Department to engage in the business of debt collection in Minnesota are all in "Inactive" status.
13. See Plaintiff's Exhibit "C" – 3 pp.
14. 1,560 cases for violations of the FDCPA are currently pending against Defendant in the U. S. District Courts. 28 of those cases were in Minnesota.
15. Defendant's gross revenues in 2010 were \$ 1.6 Billion.
16. Defendant is a sophisticated collection agency.

FACTUAL ALLEGATIONS

17. The debt allegedly owed to CITIBANK (South Dakota) by Plaintiff was consigned, placed or otherwise transferred to Defendant for collection from Plaintiff. Defendant sent Plaintiff dunning letters dated January 8, 2011, and April 7, 2011, which falsely stated: "THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE."
19. See Plaintiff's Exhibits "A," and "B" – 1 p. each.
20. The "license look-up tool" on the website of the Minnesota Department of Commerce states that the 35 licenses issued to Defendant were on "Inactive" status.
21. See Plaintiff's Exhibit "C" – 3 pp.
22. At 8:38 a. m. on May 4, 2011, a representative of Defendant left a message on Plaintiff's home telephone message recording machine stating it was an attempt to collect a debt and the Plaintiff should return the call to (866) 749-4711, a telephone number assigned to Defendant.

FIRST CAUSE OF ACTION

23. Leaving a message on Plaintiff's answering machine with a statement that it was an attempt to collect a debt violated § 1692c(b) of the FDCPA as an unauthorized communication with a third party.

SECOND CAUSE OF ACTION

24. The false statements that Defendant was licensed by the Minnesota Department of Commerce when in fact its 35 licenses were on "inactive" status was a violation of § 1692e and § 1692e(10) of the FDCPA as the use of false, deceptive or misleading representations in the collection of a debt.

25. Licensure suggests state approval and enhances the legitimacy and power of the Defendant in the eyes of the unsophisticated consumer.

26. See *Radaj v. ARS Nat'l. Servs., Inc.* 2006 WL 2620394 (E.D. Wis. Sept. 12, 2006).

27. Also, the nature of this violation "carries the potential for much wider spread illegality and concomitant injury than a violation related solely to one individual debtor" and "evinc[es] either intentional disregard of or reckless indifference to " applicable State law by "a member of a regulated industry."

28. See *St. Denis v. New Horizon Credit, Inc.* 2006 WL 1965779 (D. Conn. July 12, 2006).

PRAYER FOR RELIEF

29. WHEREFORE, Plaintiff Rikvah Goldberg prays for relief as follows:

(A) That Judgment be entered in favor of Rikvah Goldberg against Defendant NCO Financial Systems, Inc. for statutory damages in the

amount of \$1,000.00 for violation of §§ 1692c(b), 1692e and 1692e(10) of the FDCPA pursuant to § 1692(a)(2)(A) of the FDCPA.

- (B) That the Court award attorney fees and costs of action in favor of Rikvah Goldberg against Defendant NCO Financial Systems, Inc. pursuant to § 1692k(a)(3) of the FDCPA.
- (C) For such other and further relief as may be just and proper.

Dated:

Mitchell R. Hadler, Esq. Atty.#39172
Attorney for Plaintiff Rikvah Goldberg
701 Fourth Avenue South #500
Minneapolis, Minnesota 55415
612.414.7361/651.222.4260

ACKNOWLEDGEMENT

30. The undersigned acknowledges that costs, disbursements, witness fees and attorney fees may be awarded pursuant to Minn. Stat. § 549.211.

Dated:

Mitchell R. Hadler, Esq.

PO BOX 15630
DEPT 72
WILMINGTON DE 19850



Calls to or from this company may be monitored
or recorded for quality assurance.

NCO FINANCIAL SYSTEMS INC

507 Prudential Road, Horsham, PA 19044

1-888-899-8034

OFFICE HOURS:

8AM-9PM MON THRU THURSDAY

8AM-5PM FRIDAY

8AM-12PM SATURDAY

Jan 8, 2011



5469-189



TB2235
RIVKAH GOLDBERG
10770 CEDAR BND
HOPKINS MN 55305-2943

CREDITOR: CITIBANK (SOUTH DAKOTA) NA
CREDITOR'S ACCOUNT #: 5466160186482152
REGARDING: Citi AADVANTAGE WORLD MC
CURRENT BALANCE DUE: \$9935.80

5469-189

The named creditor has placed this account with our office for collection.

The creditor has agreed to accept 60 percent of the balance listed above as a lump sum settlement of the account. This offer will remain valid for a minimum of 45 days from the date of this letter and may be extended for an additional period. Before making a settlement payment after 45 days from the date of this letter, please confirm with one of our representatives that this offer is still valid. Please make payment payable to CITIBANK (SOUTH DAKOTA) NA.

You may also make payment by visiting us online at www.ncofinancial.com. Your unique registration code is CTB22357-255SP4.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

THIS COLLECTION AGENCY IS LICENSED BY THE
MINNESOTA DEPARTMENT OF COMMERCE

Our Account #	Current Balance Due
TB2235	\$ 9935.80
RIVKAH GOLDBERG	
Payment Amount	↓

\$

Check here if your address or phone number has changed and provide the new information below.

Mail Payment To:



NCO FINANCIAL SYSTEMS

PO BOX 15889

WILMINGTON, DE 19850-5889

NCOP 92
189

017200TB223540000001900000000009935800

FAX: 302-541-5100



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Please enter at least one of the search criteria below:

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If entering the name, you must enter at least two characters.

Mailing Address Postal Code

License Number

License Type Collection Agency

Name: NCO FINANCIAL SYSTEMS

City

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Page 1 of 4

Name / (* Denotes Alias Name) ▲	License Type	License Number	Status	Active Restriction	City	State
NCO FINANCIAL SYSTEMS INC	Collection Agency	20184288	Inactive	No	ONTARIO	CA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165213	Inactive	No	UNION CITY	CA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20098286	Inactive	No	AURORA	CO
NCO FINANCIAL SYSTEMS INC	Collection Agency	20203246	Inactive	No	WASHINGTON	DC
NCO FINANCIAL SYSTEMS INC	Collection Agency	20203392	Inactive	No	DOVER	DE
NCO FINANCIAL SYSTEMS INC	Collection Agency	20268795	Inactive	No	KEY WEST	FL
NCO FINANCIAL SYSTEMS INC	Collection Agency	20136032	Inactive	No	TAMPA	FL
NCO FINANCIAL SYSTEMS INC	Collection Agency	20184071	Inactive	No	ATLANTA	GA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165193	Inactive	No	NORCROSS	GA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20203880	Inactive	No	NORCROSS	GA

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Page 1 of 4

Go To Page: 1 Go

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Mailing Address Postal Code

License Number

License Type Collection Agency

Name: NCO FINANCIAL SYSTEMS

City

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Page 2 of 4

Name / (* Denotes Alias Name) ▲	License Type	License Number	Status	Active Restriction	City	State
NCO FINANCIAL SYSTEMS INC	Collection Agency	20213178	Inactive	No	ROLLING MEADOWS	IL
NCO FINANCIAL SYSTEMS INC	Collection Agency	20156672	Inactive	No	HUTCHINSON	KS
NCO FINANCIAL SYSTEMS INC	Collection Agency	20470700	Inactive	No	OVERLAND PARK	KS
NCO FINANCIAL SYSTEMS INC	Collection Agency	20158385	Inactive	No	METAIRIE	LA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20203248	Inactive	No	HUNT VALLEY	MD
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165224	Inactive	No	LINTHICUM	MD
NCO FINANCIAL SYSTEMS INC	Collection Agency	20098416	Inactive	No	ODENTON	MD
NCO FINANCIAL SYSTEMS INC	Collection Agency	20570735	Inactive	No	ST LOUIS	MO
NCO FINANCIAL SYSTEMS INC	Collection Agency	20365160	Inactive	No	W LONG BRANCH	NJ
NCO FINANCIAL SYSTEMS INC	Collection Agency	20365175	Inactive	No	ALBANY	NY

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Page 2 of 4

Go To Page: 2 Go

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Mailing Address Postal Code

License Number

License Type Collection Agency

Name: NCO FINANCIAL SYSTEMS

City

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Page 3 of 4

Name / (* Denotes Alias Name) ▲	License Type	License Number	Status	Active Restriction	City	State
NCO FINANCIAL SYSTEMS INC	Collection Agency	20365170	Inactive	No	ELMSFORD	NY
NCO FINANCIAL SYSTEMS INC	Collection Agency	20268832	Inactive	No	GLEN FALLS	NY
NCO FINANCIAL SYSTEMS INC	Collection Agency	20352124	Inactive	No	WILLIAMSVILLE	NY
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165204	Inactive	No	BEACHWOOD	OH
NCO FINANCIAL SYSTEMS INC	Collection Agency	20570784	Inactive	No	GAHANNA	OH
NCO FINANCIAL SYSTEMS INC	Collection Agency	20352118	Inactive	No	PARMA HGTS	OH
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165254	Inactive	No	WORTHINGTON	OH
NCO FINANCIAL SYSTEMS INC	Collection Agency	20198533	Inactive	No	JOHNSTOWN	PA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20098351	Inactive	No	PHILADELPHIA	PA
NCO FINANCIAL SYSTEMS INC	Collection Agency	20098445	Inactive	No	UPPER DARBY	PA

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Page 3 of 4

[Go To Page: 3](#) [Go](#)

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Mailing Address Postal Code

License Number

License Type Collection Agency

Name: NCO FINANCIAL SYSTEMS

City

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Displaying 31 - 35 (of 35 matching records)

Page 4 of 4

Name / (* Denotes Alias Name) ▲	License Type	License Number	Status	Active Restriction	City	State
NCO FINANCIAL SYSTEMS INC	Collection Agency	20144228	Inactive	No	GOODLETSVILLE	TN
NCO FINANCIAL SYSTEMS INC	Collection Agency	20203240	Inactive	No	HOUSTON	TX
NCO FINANCIAL SYSTEMS INC	Collection Agency	20570775	Inactive	No	HOUSTON	TX
NCO FINANCIAL SYSTEMS INC	Collection Agency	20165218	Inactive	No	SAN ANTONIO	TX
NCO FINANCIAL SYSTEMS INC	Collection Agency	20217788	Inactive	No	HAMPTON	VA

Displaying 31 - 35 (of 35 matching records)

Page 4 of 4

Go To Page: 4 Go

Previous

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